

LOWENSTEIN SANDLER PC

Attorneys at Law

65 Livingston Avenue

Roseland, New Jersey 07068

973.597.2500

Attorneys for Defendant

Bankrate, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Susan G. Wigenton, U.S.D.J.

**DECLARATION OF
R. SCOTT THOMPSON, ESQ.**

I, R. Scott Thompson, Esq., of full age, being duly sworn according to law, do depose and state as follows:

1. I am an Attorney-at-Law of the State of New Jersey and a Member of Lowenstein Sander PC, attorneys for Defendant Bankrate, Inc. in the above referenced matter.

2. I offer this Declaration in support of Defendant Bankrate's Opposition to BanxCorp's Cross-Motions for Bifurcation and Consolidation.

3. A true and correct copy of the April 5, 2011 Order signed by the Honorable Madeline Cox Arleo, U.S.M.J. setting forth a briefing

schedule for Bankrate's motion to dismiss the Fourth Amended Complaint is attached as Exhibit A.

4. A true and correct copy of Bankrate's April 18, 2011 letter to counsel for BanxCorp requesting that it withdraw its cross-motions filed in violation of the Court's orders is attached as Exhibit B.

5. A true and correct excerpted copy of the parties' January 20, 2011 in-person hearing before Judge Arleo is attached as Exhibit C.

6. A true and correct copy of the Court's October 8, 2010 Pretrial Scheduling Order is attached as Exhibit D.

7. A true and correct copy of BanxCorp's letter to the Court withdrawing its motion for partial summary judgment and an amended cross-motion is attached as Exhibit E.

8. A true and correct excerpted copy of the parties' January 28, 2011 in-person hearing before Judge Arleo is attached as Exhibit F.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

Dated: April 29, 2011

/s/ R. Scott Thompson
R. Scott Thompson